

LIBRARY MANAGEMENT AGREEMENT

This Agreement made the _____ day of _____ 2005, between the York County Board of Supervisors (hereinafter "County") and the York County Library Board of Trustees, (hereinafter "Trustees");

RECITALS

WHEREAS, § 42.1-33 and 42.1-35 of the Code of Virginia provide for the establishment and support of public libraries by local governments; and

WHEREAS, although the County owns and makes available buildings, equipment, and collections, and provides the necessary financial support annually for the provision of public library services including employee compensation and benefits, no agreement exists between the Trustees and the County which defines this relationship and support; and

WHEREAS, both the County and the Trustees desire to formally define the relationship between the County and the Trustees and that the services provided by the County to the Trustees be enumerated;

NOW, THEREFORE, the Trustees hereby contract with the County to act on behalf of the Trustees to perform certain responsibilities with respect to the operation of the York County Library system and the parties agree to operate the York County Library System as described in this agreement.

ARTICLE I: TRUSTEES' AUTHORITY

The York County Library Board of Trustees, as appointed by the Board of Supervisors, is the governing body of the York County Library System and shall have all the rights and responsibilities accorded to them in §42.1-35 of the Code of Virginia.

The Trustees shall retain exclusive authority to select *and hire* the Manager of Library Services; approve the annual budget request prior to submission and authorize the expenditure of budgeted funds in accordance with the Purchasing Policies of the County; accept gifts and donations; adopt or modify rules, regulations and policies associated with daily operations and access to and circulation of library collections; and to control the use and hours of operation of library facilities. The County has adopted policies related to the use of County

facilities generally and from time to time in the future may modify or change such policies. The Trustees agree to adhere to all such policies and not to adopt rules in conflict with such policies.

ARTICLE II: SUPPORT SERVICES

The County agrees to provide support and services to the Trustees by making buildings and annual financial support available for the purposes of providing library services to the citizens of York County and to manage and perform certain aspects of the operation of the library in conformance with all applicable requirements of law. The scope of support and services to be provided by the County is as follows:

- A. The County will continue to hold title to all library facilities and personal property and will make these available to the Trustees for the sole purpose of providing library services to the citizens of York County and to such others as the Trustees deem appropriate. The County's policies for construction, acquisition, maintenance, and operation shall apply to all realty and personal property associated with the delivery of this service, and it shall be the responsibility of the County to determine the appropriate level of funding for these purposes.
- B. Legal representation incident to activities engaged in by the Trustees in the provision of library services shall be provided by, or under the direction of the York County Attorney's Office. This will include, but not be limited to, general legal advice to the Trustees and representation of the Trustees in litigation and in other administrative proceedings.
- C. The annual operating and capital budget requests will be prepared and submitted according to policies and procedures applicable to all County functions. The Trustees shall review and approve the annual budget request prior to formal submission. The County will determine the appropriate level of funds to operate the library system.
- D. The County will provide all financial, accounting, and reporting services, including financial reports for any grants in effect. The County will establish billing, collection, and payment procedures for library activities.
- E. All procurement for library activities will be performed in accordance with County purchasing policy.

- F. Funding for the expense of utilities, insurance, custodial services, facilities maintenance, and other unallocated indirect and direct costs, unless otherwise agreed, will continue to be funded directly by the County and not through funds allocated to the Trustees' operating budget.
- G. The County's administrative procedures shall apply to the transmission of correspondence and required reports to federal and state agencies and political subdivision of the Commonwealth of Virginia. Correspondence received by the County for the Trustees shall be forwarded through the *Manager of Library Services*. Formal legal notices or process shall also be forwarded to the County Attorney.

ARTICLE III: PERSONNEL ADMINISTRATION

The Manager of Library Services *is the Library's chief operating officer and* shall serve at the pleasure of the Trustees. In all other respects the Manager of Library Services will be treated as a Classified Service employee in the County's personnel system. *For the purposes of interacting with colleagues in other library systems, the Manager of Library Services may, at the discretion and with the concurrence of the Trustees, use the title "Director".*

The Trustees shall evaluate the performance of the Manager of Library Services *annually*. In conducting evaluations, the Trustees will seek input from *selected County officials*.

The Trustees, in consultation with the County Administrator, or his designee, shall appoint a selection committee to review applications, and to *make recommendations for candidates to interview* for the position of Manager of Library Services. The *selection* committee shall be composed of *the Trustees*, representatives from the County staff, *and* the library profession.

The Trustees shall *interview and hire* its candidate for Manager of Library Services and will forward their decision to the County Administrator for processing. The Trustees shall assure that all such matters are in conformance with state regulations. *The Trustees shall also adhere to § 42.1-15.1 of the Code of Virginia in selecting a candidate with a graduate degree in library science from a school accredited by the American Library Association.*

The remaining employees *of the library system* shall be deemed Classified Service employees under the personnel policies of the County and shall be governed by all such policies during the course of their employment. The County Administrator has the authority to determine appropriate staffing and salary levels

for the library system. The Manager of Library Services shall perform all *such* personnel duties and responsibilities *as are performed by* County department directors and shall conform to all applicable policies. The County Administrator shall report to the Trustees and to the Board of Supervisors any material failures to conform *with* such policies.

ARTICLE IV: AMENDMENT

This Agreement can be amended at any time by mutual agreement, authorized by a formal resolution of the Board of Trustees adopted pursuant to its bylaws, and by a resolution of the County Board of Supervisors.

ARTICLE V: TERM

This agreement shall be effective as of July 1, 2005 for a period of five (5) years. The Agreement shall renew automatically for an additional five (5) years. Either party has the right to terminate this Agreement at the end of any fiscal year or at the end of the term by giving one hundred and eighty (180) days written notice. Either party may request an amendment to the Agreement with written notice of one hundred and eighty (180) days. Upon notice of termination or upon failure of the parties to agree on an amendment deemed essential by a party, this Agreement shall terminate on the first day of the following July.

IN WITNESS WHEREOF, the parties set their hand, the Trustees by its *Chairperson* pursuant to a resolution duly adopted on *February 10, 2005*, and the County by its County Administrator pursuant to Resolution *R05-37* adopted on, _____, by the York County Board of Supervisors.

YORK COUNTY LIBRARY BOARD OF TRUSTEES

By: _____
Chairperson

COUNTY OF YORK, VIRGINIA

By:

Administrator

County

Approved as to form:

County Attorney